

1 Beverly Thorp  
2 c/o Box 2070  
3 Sunnyvale CA 94087  
4 FC002  
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FILED

103 APR -7 A 11:10

7  
8 **UNITED STATES DISTRICT COURT**  
9 Northern District of California  
10 San Jose Division

RICHARD W. WICKING  
CLERK  
U.S. DISTRICT COURT  
N.D. OF CALIFORNIA

*CH/HL*

12 **Plaintiffs:**

13 Beverly Thorp  
14  
15 v.  
16

**Case No. C 08 – 01449 HRL**

17 **Defendant:**

18 Judge Robert Atack, et al.  
19 Superior Court of Santa Cruz  
20 701 Ocean St.  
21 Santa Cruz CA 95060  
22  
23  
24

**Request For Default**

25 Does 1 through 99  
26  
27  
28

29  
30 **Request For Default**

31 I, Beverly Ann Thorp, a flesh-and-blood woman, a human being, an Authorized  
32 Representative and Agent for BEVERLY THORP, sui juris, Ingenuitas juris et de jure, a  
33 State National citizen and NOT a Federal Zone citizen. Under a special appearance of  
34 Propria Persona, Without Prejudice, under the Uniform Commercial Code, UCC 1-207,  
35 UCC 1-103, and UCC 3-402, have first hand knowledge of the facts stated herein, and  
36 being competent in mind and body to testify, declare and affirm the facts stated herein are  
37 true correct, complete and admissible as evidence, in all material fact, not misrepresented  
38 and are made pursuant to the Laws of the Union of States of America and the California  
39 Republic.  
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41  
42

1      **UCC 1-207 Sufficiency of reservation.**

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3      Any expression indicating any intention to preserve rights is sufficient, such as "without  
4      prejudice," "under protest," "under reservation," or "with reservation of all our rights."

5  
6      The making of a valid reservation of rights preserves whatever rights the person possesses  
7      and prevents the loss of such right by application of concepts of waiver or estoppel.

8  
9      **UCC 1-103 Common law.**

10  
11     The UCC Code is "Complementary" to Common Law which remains in force except where  
12     displaced by the Code.

13  
14     All statutes should be construed in harmony with the Common Law unless there is a clear  
15     legislative intent to abrogate Common Law. ... "The UCC Code cannot be read to preclude  
16     a Common Law action."

17  
18     *The essence of procedural due process is fundamental fairness. de Koevend v. Board of  
19     Educ., 688 P.2d 219, 227 (Colo. 1984). The parties have a right to be heard when their  
20     rights are affected, and in order to enjoy this right they must first be notified. City of  
21     Chicago v. American National Bank & Trust Co. (1988), 171 Ill. App. 3d 680, 688, 121 Ill.  
22     Dec. 608, 525 N.E.2d 915. Due process requires, at a minimum, notice and the opportunity  
23     for a meaningful hearing before an impartial tribunal. Mathews v. Eldridge, 424 U.S. 319,  
24     333, 348-49 (1976).*

25  
26     This Request For Default is against the Defendant Judge Robert B. Attack for failure to  
27     answer the Plaintiff's Complaint which ought to have been done. Town of Milton v. Bruso,  
28     111 Vt. 82, 10 A. 2d 203, 205.

29  
30     Specifically, the Defendant Judge Attack failed to perform a legal duty. Easterwood v.  
31     Willingham, Tex. Civ. App., 47 S.W. 2d 393, 395.

1 The Defendant Judge Attack failed to comply with CCP § 586, FRCP-7, and FRCP-56.

2  
3 Fraud and deceit may arise from silence where there is a duty to speak the truth, as well  
4 as from speaking an untruth. Morrison v. Coddington, 662 P. 2d. 155, 135 Ariz. 480(1983).

5 Silence can only be equated with fraud when there is a legal and moral duty to speak or  
6 when an inquiry left unanswered would be intentionally misleading. We cannot condone  
7 this shocking conduct... This sort of deception will not be tolerated and if this is routine it  
8 should be corrected immediately. Norman v. Zieber, 3 Or at 202-03; U.S. v. Prudden, 424  
9 F.2d. 1021; U.S. v. Tweel, 550 F. 2d. 297, 299, 300 (1977).

10  
11 Judge Attack's failure to answer the Plaintiff's Complaint is tacit consent by him of the  
12 validity of the document and the truths stated therein, and for the disposition of any  
13 controversy without a trial as there are no disputes to either material fact or inferences to  
14 be drawn from undisputed facts and no dispute in the question of the laws involved and  
15 applied. American State Bank of Killdeer v. Hewson, N. D., 411 N. W. 2d 57, 60.

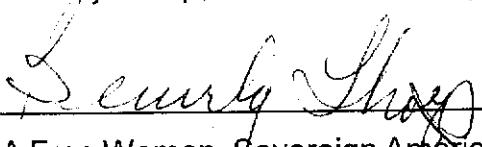
16  
17 The Plaintiff will be submitted to the Court, at a later date, a Default Judgment.

18  
19 Further, Beverly Thorp saith naught.

20 Without Prejudice, UCC 1-207, UCC 1-103, & UCC 3-402

21 7 April 2008

22 Beverly Thorp, an Authorized Representative and Agent

23   
24 \_\_\_\_\_, In Propria Persona Sui Juris  
25 A Free Woman, Sovereign American, with Constitutional Rights intact UCC § 3-402 (b)(1)  
26 De Jure Soli, Jus Sanguinis, Corona, Teste Meipso.

27  
28 Reserving All Rights, Giving Up None.

29 Notice to agent is notice to principal. Noted to principal is notice to agent.

30 All Rights Reserved (UCC1-308)

1                   **PROOF OF SERVICE / DELIVERY**  
2                    (CCП § 413.10 – 416.90)

3  
4 I am a citizen of the California Republic. I am over the age of eighteen years. I am able and willing  
5 to testify to the facts stated herein.  
6

7 I served the following document(s) on all appropriate parties in this action by placing a copy of the  
8 said document(s) in a sealed envelope, with postage attached, and deposited it with the U.S. Postal  
9 Service.

10                  ●       **Request For Default** (FC002)  
11

12                  X I caused such envelope to be deposited in the mail with the U.S. Postal Service. The envelope  
13 was mailed with postage thereon fully prepaid. Mailed to each of the following:  
14

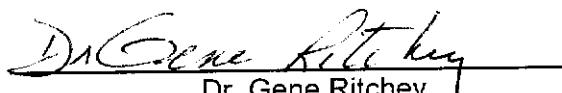
15                  Judge Robert Atack, 701 Ocean St., Santa Cruz CA 95060.  
16                  Judge Paul Burdick, 701 Ocean St., Santa Cruz CA 95060.  
17

18  
19                  \_\_\_ The Proof of Service / Delivery signed by the authorized courier is on file and is available upon  
20 demand.  
21

22                  I am readily familiar with the practice of collection and processing correspondence for mailing. The  
23 above document(s) were deposited with the U.S. Postal Service within the time frame prescribed  
24 by law.  
25

26                  I declare, under penalty of perjury of the laws of the State of California the foregoing is true and  
27 correct.  
28

29                  7 April 2008

  
30                  Dr. Gene Ritchey  
31                  c/o Box 2070  
32                  Sunnyvale CA 94087  
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